

FILED

1 WILLIAM JOHN DAUGHERTY

2 CDCR # F-7998S

3 P.O. Box 2349/D10-1/DCP

4 CHUCKAWALLA VALLEY STATE PRISON

5 BLYTHE, CALIFORNIA 92226

2008 JUL -3 AM 10:21

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY NO DEPUTY

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JUN 27 2008

6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

9
10 WILLIAM JOHN DAUGHERTY, CIVIL CASE NO. 08-CV-0408 WQH(BLM)

11 PLAINTIFF, V. } MOTION AND REQUEST FOR ISSUANCE
12 DENNIS WILSON, SD.P.D., } OF CIVIL SUBPOENA (DUCES
13 ESMERALDA TAGABAN, SD.P.D., } TECUM) FOR PRODUCTION OF
14 SGT. GRIFFIN, SD.P.D., } DOCUMENTS AS DISCOVERY AND
15 DET. LEMUS, SD.P.D., } EXHIBITS FOR JURY TRIAL
16 CITY OF SANDIEGO, } WITH DECLARATIONS AND PROOF
17 SANDIEGO POLICE DEPT. } OF SERVICE.

18 DEFENDANT

19 DATE: 19 JUNE 2008

20
21 I, WILLIAM JOHN DAUGHERTY, PETITIONER AND PLAINTIFF
22 IN THE ABOVE ACTION, PROCEEDING PRO SE AND IN
23 FORMA PAUPERIS, DO HEREBY REQUEST AND MOVE THAT
24 THE COURT ORDER THE PRODUCTION OF THE BELOW LISTED
25 DOCUMENTS, RECORDS AND MATERIALS, INCLUDING ALL
26 PRESERVED BY MEANS MECHANICAL, ELECTRONIC OR
27 OTHERWISE, AND THAT SAID DOCUMENTS BE DELIVERED
28 INTO THE CUSTODY OF THE PLAINTIFF, PURSUANT

CONTINUED

WILLIAM JOHN DAUGHERTY V. D. WILSON, ET AL.
CIVIL CASE NO.
08 EV 0408 WQH(BLM)

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DATE: 19 June 2008

1 MOTION AND REQUEST FOR ISSUANCE OF SUBPOENA
2 PRODUCTION OF DOCUMENTS AS DISCOVERY

3
4 TO FEDERAL RULES OF CIVIL PROCEDURE, RULE(S)
5 26, 37 AND 34. THE PARTY NAMED BELOW HAS
6 CONTROL AND POSSESSION OR WILL ACQUIRE POSSESSION
7 OF THE FOLLOWING LISTED DOCUMENTS OR MATERIALS
8 WHEREAS THEY ARE MATERIAL TO THE PROOF OF
9 THE ISSUES INVOLVED IN THIS CASE. GOOD CAUSE
10 EXISTS FOR THE PRODUCTION OF MATERIALS AND NOTA
11 OF RELEVANCE AND PROBATIVE VALUE FOLLOWS DESCRIPTION
12 OF EACH REQUESTED ITEM. THE COURT IS REQUESTED
13 TO IMPLEMENT THE PRESCRIBED PENALTIES FOR
14 FAILURE TO COMPLY WITH ITS ORDER. (FRCP 37)
15 AND IT IS FURTHER REQUESTED THAT PRODUCTION AND
16 DELIVERY BE PERFORMED WITHIN A REASONABLES PERIOD,
17 AND AS PETITIONER IS IN FORMA PAUPERIS, THAT
18 ALL FEES INCURRED IN ISSUING AND SERVICE OF SUBPOENA
19 BE BORNE AND ADVANCED BY THE UNITED STATES
20 PENDING SUCCESSFUL SETTLEMENT OR VERDICT.
21 IN THE CASE OF MEDICAL RECORDS OF REQUESTOR, ALL
22 LEGAL CLAIMS REGARDING PRIVACY ISSUES, ARE
23 HEREBY RELINQUISHED AND POSSESSOR IS NOT HELD LIABLE
24 FOR OBEDIENCE TO COURTS' COMMAND TO PRODUCE. WRITTEN
25 OBSERVATIONS AND CONCLUSIONS MAY BE SUBSTITUTED IN
26 LIEU OF RADIOGRAPHIC (INCLUDING X-RAY AND SONOGRAPH)
27 IF REPRODUCTION OF SUCH IMPOSES 'UNDUE BURDEN'
28 AND EXPENSE.

WILLIAM DAUGHERTY
CDCR#79985
P.O. Box 23491/D10-1104
BLYTHE, CA. 92226

DATE: 19 JUNE 2008

RE: 08CV0408 WQH(BLM)

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REQUEST FOR CIVIL SUBPOENA DUCES TECUM

FEDERAL RULES OF CIVIL PROCEDURE RULE 45(a)(1)(C) & (D)

ADVISEMENT TO SUBPOENAE

FRCP. 45(a)(1)(C)

COMBINING OR SEPARATING COMMAND TO PRODUCE OR PERMIT INSPECTION, SPECIFYING THE FORM FOR ELECTRONICALLY STORED INFORMATION; A COMMAND TO PRODUCE DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR TANGIBLE THINGS OR TO PERMIT THE INSPECTION OF PREMISES MAY BE INCLUDED IN A SUBPOENA COMMANDING ATTENDANCE AT A DISPOSITION HEARING, OR TRIAL OR MAY BE SET OUT IN A SEPARATE SUBPOENA. A SUBPOENA MAY SPECIFY THE FORM OR FORMS IN WHICH ELECTRONICALLY STORED INFORMATION ~~IS~~ IS TO BE PRODUCED.

FRCP. 45(a)(1)(D)

COMMAND TO PRODUCE; INCLUDED OBLIGATIONS: A COMMAND TO PRODUCE DOCUMENT, ELECTRONICALLY STORED INFORMATION OR TANGIBLE THINGS REQUIRES THE RESPONDING PARTY TO PERMIT INSPECTION, COPYING, TESTING OR SAMPLING OF THE MATERIALS.

THE COURT IS REQUESTED TO COMMAND THE PRODUCTION AND DELIVERY TO MOVANT THE FOLLOWING DESCRIBED MATERIALS; INCLUDING THOSE MECHANICALLY AND/OR ELECTRONICALLY STORED:

WILLIAM DAUGHERTY
F-79985 CDCR#
P.O. BOX 2349
BLYTHE, CA. 92226

DATE: 19 JUNE 2008

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REQUEST FOR CIVIL SUBPOENA(DUCES TECUM)

ITEMS TO BE PRODUCED:

I. MEDICAL

ALL MEDICAL RECORDS FOR THE ABOVE NAMED

INDIVIDUAL FOR THE PERIOD (DATE) 9 MARCH 2006

UNTIL (DATE) 30 MARCH 2006 , INCL. INTAKE SCREENING

II. PSYCHOLOGICAL

ALL PSYCHOLOGICAL RECORDS FOR THE ABOVE NAMED

INDIVIDUAL FOR THE PERIOD (DATE) 9 MARCH 2006

UNTIL (DATE) 30 MARCH 2006 . INCL. INTAKE SCREENING

THIS REQUEST ACTS AS RELEASE OF MEDICAL INFORMATION

CONSENT BY THE PATIENT / PLAINTIFF IN THIS ACTION!

THE REQUESTED ITEMS ARE MAINTAINED AT:

VISTA DETENTION FACILITY (MEDICAL DEPARTMENT)

325 S. MEHROSE DRIVE, SUITE 200 (RE:# 7735747)

VISTA, CALIFORNIA 92083-6627

PHONE # (760) 940-4473

A COPY OF THIS DOCUMENT HAS BEEN MAILED TO ATTORNEYS FOR

DEFENDANTS AND I CERTIFY AND SWEAR THE FOREGOING IS TRUE.

MICHAEL J. AGURAC, CITY ATTORNEY

Signed:

C/O WENDY DAVISSON, DEPUTY CITY ATTY.

1200 THIRD AVE, SUITE 1100

SAN DIEGO, CA. 92101

WILLIAM DAUGHERTY

DATE: 19 JUNE 2008